

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
GREENLEE COUNTY, ARIZONA

THIS AGREEMENT is entered into 23rd January, 2003, pursuant to Arizona Revised Statutes, Sections 11-952 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and GREENLEE COUNTY, ARIZONA, acting by and through its BOARD OF SUPERVISORS (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

3. Incident to a bridge reconstruction project on SR-75 over the Gila River (Bridge #311) contemplated by the State, the State and the County have agreed to reconfigure the intersection of SR-75 at Old Virden Road in the County as a safety project, as shown on Exhibit A which is attached hereto and made a part hereof, at an estimated cost of \$100,000.00, all at State expense. The parties hereto have agreed that the State, by formal action of the Transportation Board, will take Old Virden Road into the State Highway system, and, upon completion of the project, will abandon Old Virden Road back to the County.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 25756
Filed with the Secretary of State
Date Filed: 01/23/2003

Janice K. Brewer
Secretary of State

By: Darryl D. Greenwald

II. SCOPE

1 The State will:

a. Upon approval and by resolution of the State Transportation Board take Old Virden Road from Station 10+44 to Station 12+98 into the State Highway system. Provide design plans, specifications and such other documents and services required for construction bidding and construction of the intersection improvement project. Incorporate County review comments as appropriate.

b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Be responsible for all costs associated with the right-of-way acquisition, intersection improvements and for any contractor claims for extra compensation.

c. Upon completion of the intersection improvement, approve and accept the project on behalf of the parties hereto, and upon approval and by resolution of the State Transportation Board, abandon ownership and maintenance jurisdiction of Old Virden Road from Station 10+44 to Station 12+98 to the County.

2. The County will:

a. Review the design documents and provide comments.

b. Upon completion and acceptance of the intersection improvement project by the State, accept ownership jurisdiction and maintenance responsibility for Old Virden Road from Station 10+44X to Station 12+98. Waive the requirements of Arizona Revised Statute 28-7209 (formerly 28-106).

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project and abandonment; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6 All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17th Avenue, Mail Drop 616E
Phoenix, AZ 85007

Greenlee County
County Administrator
PO Box 908
Clifton, AZ 85533

7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

GREENLEE COUNTY, ARIZONA

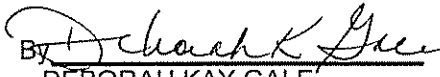
STATE OF ARIZONA

Department of Transportation

By 
DONALD R. STACEY, Chairman
Board of Supervisors

By 
WILLIAM J. HIGGINS
Deputy State Engineer

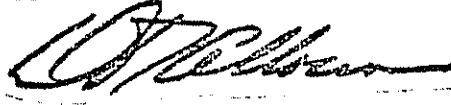
ATTEST

By 
DEBORAH KAY GALE
Clerk of the Board

RESOLUTION

BE IT RESOLVED on this 28th day of February 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with Greenlee County for the purpose of defining responsibilities for the design and construction of improvements to the Gila Rive Bridge # 311, and Old Virden Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

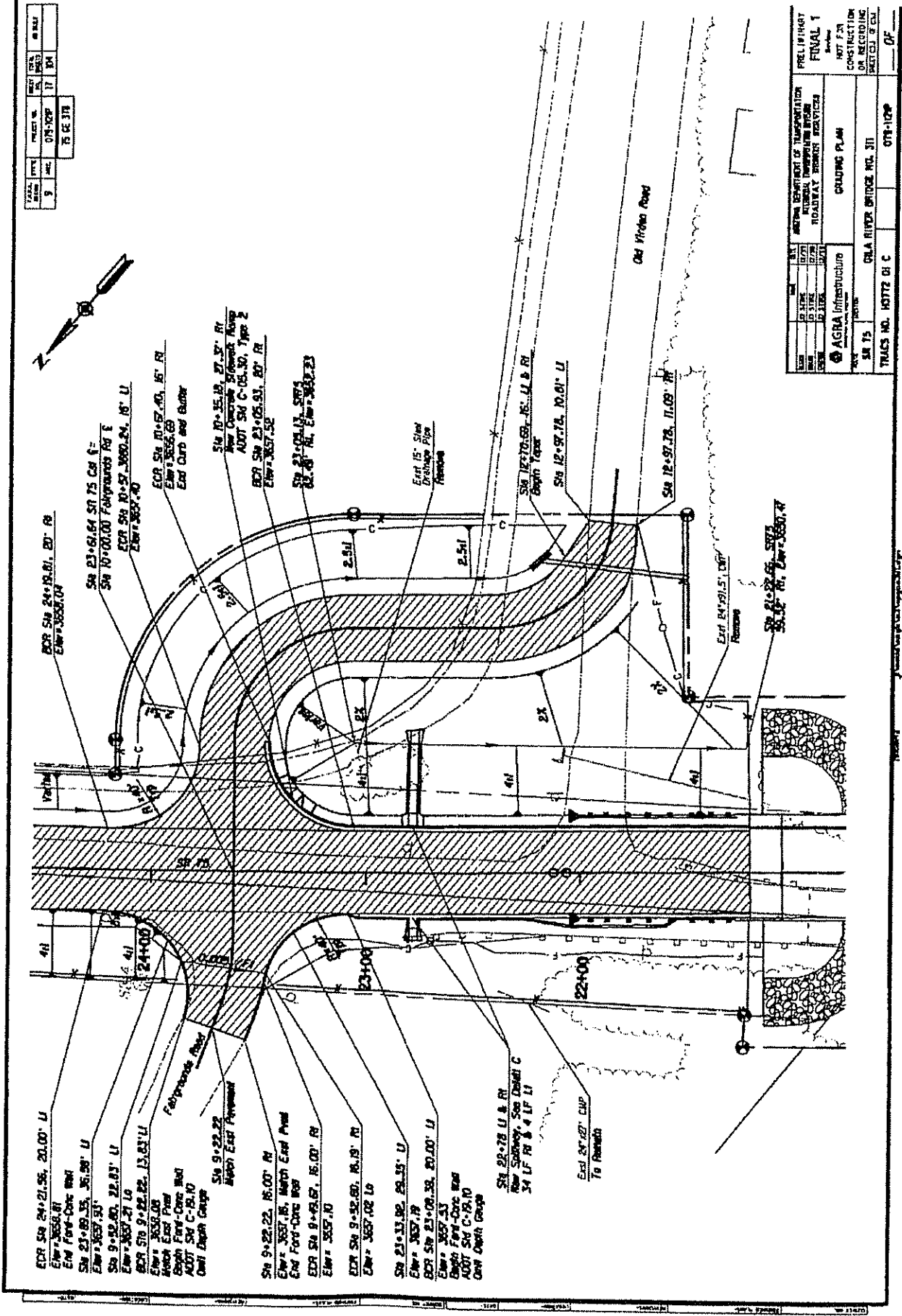
APPROVAL OF THE GREENLEE COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and GREENLEE COUNTY and declare this agreement to be in proper form and within the powers and authority granted to the County under the laws of the State of Arizona.

DATED this 10th day of May, 2000.

A handwritten signature in black ink, appearing to read "L. A. D. Sp...", is written over a horizontal line.

County Attorney



DATE	17/04/00	BY	17/04/00	CHKD	17/04/00
NO.	17/04/00	BY	17/04/00	CHKD	17/04/00
17/04/00	17/04/00	17/04/00	17/04/00	17/04/00	17/04/00

AGRA Infrastructure		CONSTRUCTION	
ROADWAY PROJECT		ON RECORDING	
PROJECT NO. 078-1020		SHEET NO. 07	
PROJECT NAME		PROJECT NO. 078-1020	
PROJECT NO. 078-1020		PROJECT NO. 078-1020	
PROJECT NO. 078-1020		PROJECT NO. 078-1020	

AGENDA

MAY 8, 2000
4:00 P.M.

AGENDA OF MATTERS TO BE DISCUSSED OR DECIDED AT THE REGULAR MEETING OF THE GREENLEE COUNTY BOARD OF SUPERVISORS TO BE HELD ON MONDAY, MAY 8, 2000 AT 4:00 P.M. AT THE BOARD MEETING ROOM, COURTHOUSE ANNEX, CLIFTON, ARIZONA.

- 1.) Call to Order
 - Pledge of Allegiance
 - Call to the Public
- 2.) Dr. Ron Keith, Eastern Arizona College
 - ... FY 00-01 funding proposal for Eastern Arizona College Extension Course Contract
- 3.) Charles Berube, IS Manager
 - ... Wireless Communication System Discussion/Action
- 4.) Linda Durr, County Assessor
 - ... Approval to contract for drafting services in an amount not to exceed \$5000
- 5.) Philip Ronnerud, Public Works Director
 - ... Blue Landfill Discussion/Action
 - ... Old Virden Road Right Way
 - ... PUBLIC HEARING - Planning and Zoning request on Parcel #300-65-015 (Montoya)
 - ... Approve/reject request to rezone Parcel #300-65-015 (Montoya) from RU36 to TR 36
- 6.) Tobacco Settlement Discussion/Action
- 7.) Appointment of Gary Jonto Arizona Rural Water Association Board of Directors
- 8.) Award/reject bids for Road department vehicles
- 9.) FY 2000-2001 Budget
 - ... Ambulance Service Staff Discussion/Action
 - ... State Retirement - Burial Insurance Payment
 - ... CSA Building Assessment
 - ... Animal Damage Control Contract FY 00-01
 - ... FY 00-01 Health Insurance Premiums Discussion/Action



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION

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ATTORNEY GENERAL

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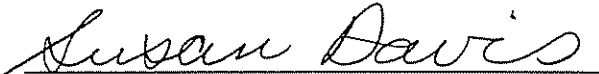
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-0316TRN (JPA 99-176), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED January 8, 2003.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/srs

Att.